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8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13  
14 UNITED STATES OF AMERICA,  
15 Plaintiff,  
16 v.  
17 REY MARTINEZ,  
18 Defendant.

No. CR 04-0189 VRW

STIPULATION AND ~~PROPOSED~~  
ORDER ADJUSTING MOTION  
BRIEFING SCHEDULE AND  
EXCLUDING TIME FROM THE SPEEDY  
TRIAL ACT CALCULATION (18 U.S.C. §  
3161(h)(8)(A))

19  
20 This matter is currently for hearing on defendant's motion to suppress on November 8,  
21 2005. The parties now jointly request that the briefing schedule in this matter be adjusted. This  
22 joint request is a result of scheduling issues that have arisen for both parties after the setting of  
23 the briefing schedule. Furthermore, defense counsel has requested that the government obtain  
24 and provide additional information to the defense for potential incorporation into its moving  
25 papers. The government is still in the process of obtaining this additional information requested  
26 by the defendant. Finally, the parties are exploring a potential pre-trial resolution of the case. It  
27 is the parties understanding that the Court is available on November 22, 2005.

28 In light of the above, the parties agree, and the Court finds and holds, as follows:

STIPULATION AND [PROPOSED] ORDER  
CR 04-0189 VRW

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1. Government's response to defendant's motion to suppress is due no later than Tuesday, November 1, 2005.

2. Defendant's reply is due no later than Tuesday, November 8, 2005.

3. The hearing on defendant's motion to suppress shall take place on Tuesday, November 22, 2005.

4. The time between November 8, 2005 and November 22, 2005 is excluded under the Speedy Trial Act. The parties agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

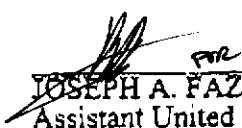
STIPULATED:

DATED: 10/12/05

  
BILL FAZIO

Attorney for Defendant Martinez


DATED: 10/14/05

  
JOSEPH A. FAZIOLI

Assistant United States Attorney

IT IS SO ORDERED.

DATED: \_\_\_\_\_

  
VAUGHN R. WALKER

UNITED STATES DISTRICT JUDGE